

Claims Rejections - 35 USC 103

The Mosher Prior Art

With all due respect to the examiner, a close examination of Mosher shows that the system revealed in this invention has not even a remote relationship to the present invention.

On page 27 of the Office Action Summary, it states that "Mosher discloses an apparatus for real-time interactive online ordering and re-ordering of product and services, the apparatus comprising: a modularly structured real-time interactive online product and services ordering and re-ordering means (Abstract: column 1, line 48 through column 3 line 32), comprising remote re-ordering module members (column 6, lines 3-9; figures 1 and 2), product opening/unsealing module members (column 9, lines 333-410 and purchasing facilitation means (column 2, lines 6-21; column 9, lines 33-41).

After closely reading the above portions of the Mosher patent, I find that Mosher simply reveals a "improving Wireless Communications Equipment Plant or Fulfillment Center" This invention that is in no way similar and is very far removed from the present invention. I cannot find any of the apparatus stated above which are in any way similar to the present invention listed in Mosher.

Further, Mosher makes no mention relating to the novel features brought forth in the present invention.

The Mosher invention is based upon "improving Wireless Communications Equipment Plant or Fulfillment Center" and more specifically relates to providing a system to more effectively supply packaged Wireless Communications Equipment and Services".

Further, Mosher focuses "on solving the problem brought about by the increased demand for wireless communications equipment by assembling Wireless Communications Equipment Kits containing: instructions materials, carrying cases, batteries, chargers and services contracts that meet the needs of different Wireless Communications Services Providers in the marketplace".

This invention further brings forth a "Fulfillment Center that accepts supplies from various suppliers and orders from various services providers and at the Fulfillment Center, assembles Wireless Communications Equipment Kits to meet the needs of the various Services Providers".

I believe the above rational is the basis for you choosing Mosher as the foundation prior art for your Rejections. However, as I read the remaining information relating to Mosher, where you repeatedly stated that "Mosher does not expressly disclose " and further, as you brought forth other prior art such as Gerszberg et al., Simciak et al., the Microsoft Press Computer Dictionary, Kenney et al., I am certain that the Mosher invention should not be used as

a basis for rejecting my claims. Therefore, I respectfully request that you reconsider and remove these rejections.

The Ferguson et al. Prior Art

Much reference is also made to the Ferguson invention, however, Ferguson in no way relates to volume purchasing of goods, products, or services to obtain or invest the volume purchasing rebates. In that, there is absolutely no mention or reference to combining purchases or to the term volume purchasing or to the concept of volume purchasing in Ferguson. Further, Ferguson does not reveal the methods or apparatus used in or required for effecting volume purchasing or obtaining rebates. Ferguson has invented no novel devices, systems, or other means to carryout or implement his invention, such as I have in my invention.

Additionally, my search of the USPTO database of patents from 1790 to 2002 reveals no patents or any other mention of the volume purchasing rebate system or the volume purchasing rebate investing concept or system and my search of the internet using the powerful Google search engine reveals no mention of the volume purchasing rebate concept or the volume purchasing rebate investing concept or system for individual purchasers. I could not find any other prior art or references relating to the same.

Ferguson simply monitors a customers purchasing transaction and takes the monetary value of the patronage incentive award offered to that customer (the coupon, trip, etc) or the award that the customer has won from the seller or manufacturer. The funds representing the monetary value of the award comes from the patronage incentive award pool (set-up by the seller or manufacturer etc.) and using the Ferguson invention, these funds are transferred to the customers retirement account.

THE PATRONAGE INCENTIVE AND AWARD CONCEPT: In this type purchasing arrangement, the provider of the goods or services has the advantage and dictates the terms of the transaction to the user of the goods or services. The term: "To Patronize" means "to be a regular customer at a store or of a merchant;" The term "incentives" means "to stimulate or encourage." Thus, the term "Patronage Incentive" means to 'stimulate or encourage a person to be a regular customer at a store or of a merchant' Ferguson reveals an invention that uses patronage incentives awards as a foundation for the invention and the sponsoring merchants, manufacturers, producers and or sellers of goods or services provide the purchasing incentives through coupons and other promotions.

In Ferguson, "The sponsor is usually a provider of goods or services who utilizes the patronage incentive system to stimulate the customer into engaging in transactions with the sponsor for those goods or services."

“Examples of incentive awards of prior art patronage incentive award systems include free merchandise, discounted prices, cash refunds or credits, and the opportunity to win prizes such as merchandise, services, or vacation trips. However, an incentive award is sometimes as simple as the opportunity to participate in a transaction with the sponsor which has features the customer may find beneficial to him.”

The Ferguson Abstract: “Embodiments are disclosed of a patronage incentive system in which a monetary award is made to a customer's retirement account as incentive for the customer to participate in a transaction with the sponsor for the sponsor's goods or services. The system includes a means for identifying the customer, a means for inputting the identification information and other information about the transaction into a computer data storage, a computer data processing device which uses a software program along with the transactional information to calculate an incentive award amount a means for transferring the monetary funds equal to the incentive award amount from an incentive award pool to the customer's retirement account, and a means of reporting the incentive award amount to the customer and to the sponsor. Embodiments of a method of conducting a patronage incentive system of the present invention are also disclosed comprising the steps of inputting transactional information into a computer data storage device, calculating the incentive award amount through the use of a computer data processing device, transferring monetary

funds equal to the incentive award amount from an incentive award pool to the customer's retirement account, and reporting the incentive award amount to the customer and to the sponsor.”

Ferguson also mentions “a plurality of customers “ and “a plurality of sellers” and “a plurality of sponsors”, however never does he attempt to combine any system, any individual or group for the benefit of volume purchasing.

Simply put, Ferguson simply monitors a customers purchasing transaction and takes the monetary value of the patronage incentive award offered to that customer (the coupon, trip, etc) or the award that the customer has won from the seller or manufacturer. The funds representing the monetary value of the award comes from the patronage incentive award pool (set-up by the seller or manufacturer etc.) and using the Ferguson invention, these funds are transferred to the customers retirement account.

THE CONCEPT OF THE VOLUME PURCHASING REBATE: In this purchasing arrangement, the user of the goods, products or services has the advantage and dictates the terms of the transaction by way of his Broker, Agent or Organization . Thus allowing us to phrase the term, “He who controls the purchasing, controls the marketplace!!”

This technology empowers the user of goods, products or services with volume purchasing power. Additionally, the vast

differences in inventions greatly benefits the purchaser, in that, it is certainly possible for the purchaser to use this invention while also using the Ferguson invention during purchasing transactions.

The concept of large corporations or organizations saving vast amounts of money by volume purchasing their goods, products or services from retailers, contractors, wholesalers, producers and various other type merchants is well known. However, until now, small or individuals purchasers have not benefited from the purchasing clout enjoyed by large corporations or organizations as they have been denied the vast benefits of volume purchasing.

SPONSORS: The Organization referred to in this invention is a Cooperative and like all, Cooperatives, it is owned by it's members. Thus, the "sponsors" in this invention are in fact the users of the goods or services as opposed to Ferguson, where the sponsors are the "providers" of the goods or services. There is no "seller sponsor" in this invention. Purchasers are empowered by utilizing the systems brought forth in this invention to combine their purchases so as to gain a vast volume purchasing advantage. They are also able to use their systems brokers or other agents to negotiate favorable volume price terms from merchants, manufacturers, producers or other sellers, while purchasing said goods, products or services. Thus, if the term sponsor were used in such a transaction, then the sponsor of the volume purchasing rebate is the purchaser and his/her agent and organization.

As such, purchasers using this invention pay normal prices but receive a volume purchasing rebates from their purchase payment that represents an amount that is normally the merchants retail profit in a one purchase transaction. This volume purchase rebate is much different than the patronage incentive award rebate, in that the patronage incentive award rebate is a nominal amount based upon a one nominal purchase transaction. While the volume purchase rebate reflects a far greater return of funds which is based upon a very large purchase transaction, as the volume purchasing rebate is based upon combining the purchasing power of many purchasers to get a far greater refund for each purchaser.

VOLUME PURCHASING REBATE INVESTING: To effect volume purchasing, there has to be a means for combining consumption or purchasing data and/or information, so as to produce the resulting volume purchasing information. This invention reveals the novel means for sensing, combining, processing consumption and/or needs so as to produce the resulting volume purchasing rebate data and/or information. In this invention, there is no "patronage incentive". The volume purchasing rebate emanates from normal day to day purchases that are metered or monitored to form a basis for effecting volume purchasing rebates on future purchases.

INCENTIVE AWARD: There is no incentive award from a "sponsor" in this invention such as those mentioned in Ferguson. Also, there is no incentive awards pool as in Ferguson, the volume

purchasing rebate is a portion of each purchasers purchasing payment being placed in his retirement account.

By using the systems in this invention to combine like purchases from many like purchasers, the purchaser is placed in a powerful position of being able to negotiate purchasing terms normally reserved for large corporations or organizations. Thus, this invention serves to level the playing field by allowing small or individual purchasers to make their normal purchases of goods, products or services yet benefit from the technology revealed herein, to combine those purchases with like purchases of other small or individual purchasers, so as to gain a volume purchasing advantage by also saving large quantities of money.

Additionally, it is well known that many of these same small or individual purchasers have not taken steps to provide adequately for their retirement. As such, many do not have individual retirement accounts and those that do have individual retirement accounts have not placed sufficient funds in their individual retirement accounts to provide for a comfortable or viable retirement.

Thus, the novel volume purchasing technology of this invention encompasses means for taking the large quantities of money saved by each small or individual purchaser as a rebate, and for using the volume purchasing technology of this invention to

place said rebate into the purchasers retirement account to provide said purchasers with a comfortable or viable retirement.

Therefore, the Volume Purchasing and rebate technology or concept revealed in this invention is totally novel, non-obvious, and useful and provides various means for small or individual purchasers to make small and individual purchases of goods, products or services, yet enjoy the same benefits of saving large quantities of money by purchasing those same goods, products or services in large volume.

During the examinations, there have been numerous references to Ferguson and other inventions. Yet, it is quite apparent that the numerous differences in the cited inventions are not realized and brought forth by the examiner. Thus, this in itself speaks volumes about the fact that those not only "skilled in the art", but who are "experts in the art" do not recognize the apparent differences, thus, this clearly shows that Ferguson is not an obvious over this invention.

The present invention is not a Fulfillment center nor does it bring forth a relationship to a Fulfillment Center and it is certainly not a Patronage Incentive Awards program as found in Ferguson prior art.

Instead, it brings forth a very novel approach to use the Internet and other recent innovations in technology to allow

purchasers to purchase individually but enjoy the benefits and savings of purchasing as a large group.

It further allows these purchasers to remotely purchase on a Real-Time basis goods, products or services from around the world. Thus, instead of traveling to far off and exotic places to buy items, the purchaser can experience the joy and benefits of real-time interactively purchasing from the far corners of the world, but, from the comfort and security of his/her home. In doing so, the purchaser can use the novel features of the present invention to remotely visit stores thousands of miles away and on a real-time basis and interact with salespersons and store display cases etc. while making a purchase.

Finally, this invention will allow for obtaining Volume Purchasing Rebates and Investing these rebates into accounts for the purchaser.

Additionally, the Examiner states these rejections are justified on the basis that the invention is "obvious to one skilled in the art". In paragraph 1. as in other paragraphs, the examiner repeatedly states "although Mosher/Ferguson does not specifically teach" subjects contained in my application. If the cited inventions "do not specifically teach" a given application or method on it's own, how can the examiner fairly or reasonably put words into the wording or claims of a specific invention and penalize me for not living up to the "made up standards of the examiner. In other

words, I strongly believe these rejections are arbitrary and speculative and do not meet the obviousness rejection standards set forth in MPEP Rule 702.02 (j)

Further, if a particular application uses matter which is “obvious to one skilled in the art”, then neither the cited inventions nor any other inventions make mention of this so called obvious matter. Normally, those skilled in the art of Real-Time Interactive Ordering or Re-Ordering systems are architects, engineers, contractors etc. I obtained the idea for this invention after gaining experiences in a very wide variety of specialties and vocations and after spending a tremendous amount of time and money research the inventions in these various specialties and vocations, and finding none.

As stated earlier, I respectfully differ with the “obviousness rejection” due to the fact that the inventions brought forth by the examiner contain matter referring only to operating and control of various building systems. These inventions do not in any manner facilitate the detection of breakage, damage and decay in various building systems. Nor do they relate to an organization dedicated to assist building owners and managers solve the problem of efficiently maintaining their buildings and doing so at the lowest cost. Nor do these inventions facilitate conveying the detected data relating to the breakage, damage or decay in various building systems to organization computers where upon the data is aggregated with like data and processed so as to facilitate volume

purchasing of products and services to overcome the stated breakdown, damage or decay problem.

Further, my invention is a vast improvement over other inventions, as explained in the next few paragraphs. I conducted a detailed analysis of these inventions to include a word search using my computer. I also conducted an extensive word search analysis of entire patent database and I could not find any reference to the area of building systems maintenance and repair as stated in my invention, nor could I find mention of volume purchasing and rebate systems or technology, as well as the organizational and investment processes of my invention, and as such, this makes my invention unique and novel.

Additionally, I strongly believe that the obviousness standard placed on me is overly broad and ambiguous and I do not believe such a standard was used on other Real-Time Interactive Ordering or Re-Ordering systems inventions. There is also a vast difference in the idea surrounding my invention and the cited inventions, in that, these invention only relate to a "Real-Time Interactive Ordering or Re-Ordering system" that deals with managing and controlling the various devices in a building, with emphasis on

climate or environmental comfort and monitoring energy consumption while attempting to save on energy cost.

First, as a point of interest, I have conducted extensive searches of the USPTO Patent Database and Advanced Internet Search resources while attempting to find another mention of a "Volume, Bulk or Quantity Purchase and Rebate System", but to no avail. The USPTO Patent Database includes over six million patents going back to 1792, and the Advanced Internet Search Engine (Google) searches over 4 billion documents on the Internet while attempting to find matching information. Neither one of these systems located any information that remotely matches or reveals technology as shown in this invention. These facts alone should satisfy the novelty criteria for a patent on this invention.

Patentability is usually established by weighing the claims of the invention against the claims of the prior art. The examiners have not used any claims in the prior art as a basis for the Obviousness Rejection.

SUBJECT: Characterizing major differences in inventions and the novel, useful and non-obvious features of the Lewis Invention over the Mosher Invention

		<u>The Mosher Invention</u>	<u>The Lewis Invention</u>
1	Concept of the Invention	A wireless communications product fulfillment- Centric concept designed to order, assemble, and ship wireless communications kits only	Purchaser - Centric concept designed to aid purchasers in combining their purchases so as to obtain Volume Purchasing power and other benefits to order and re-order goods, products and services from across the trade spectrum.
2	Claims	Mosher claims a method of communications product fulfillment as claimed in the following drawings and having the following components and features	The present invention claims a Real-Time Interactive ordering or re-ordering Volume Purchasing System as shown in the following drawings and having the following components and features
3	Drawings of Invention	Six (6) Drawing comprising: Fig. 1 is a schematic block diagram of a fulfillment system of the present invention. Fig. 2 is a schematic block diagram showing selected aspects of the system of Fig. 1 in greater detail. Figs. 3a - 3d are a flow chart depicting a process of the present invention performed with the system of Fig. 1	Eighteen(18) Drawings comprising: FIG. 1 Illustrates the modular structure of the Real-time interactive online product and services ordering and re-ordering system. FIG. 2 Illustrates Online Buyer's and Seller's (CyberSalesPerson) Sub-Systems. FIG. 3 Illustrates the Real-time interactive online Volume Purchasing Rebate Investing System. FIG. 4 Illustrates the Real-time interactive online product and services re-ordering modules. FIG. 5 Illustrates a systems diagram showing the Real-time interactive online product and services ordering re-ordering modules and VPRIS, which are located in Homes. FIG. 6 Illustrates a systems diagram showing the Merchant Real-time interactive online product and services ordering re-ordering modules and VPRIS, which are located in Commercial Buildings. FIG. 7 Illustrates a systems diagram showing the Real-time interactive online product and services ordering and re-ordering System and VPRIS.

SUBJECT: Chart showing major differences in inventions and the novel, useful and non-obvious features of the Lewis Invention over the Mosher Invention

			<p>FIG. 8 Illustrates our Real-time interactive online, over-the- counter purchasing systems network diagram.</p> <p>FIG. 9 Illustrates the WorldWholesaler Concept for Merchant Buyers.</p> <p>FIG. 10 Illustrates the WorldMall Concept for Individual Shoppers.</p> <p>FIG. 11 Illustrates a Top View of the CyberShowRoom Concept.</p> <p>FIG. 12 Illustrates an End View of the CyberShowRoom Concept.</p> <p>FIG. 13 Illustrates the Remote Operated Online Product Demonstration System (CyberShowCase) Concept Comprising.</p> <p>FIG. 14. Illustrates Normal Distribution and Mark-Up</p> <p>FIG. 15 Illustrates Individual Internet Purchasing and Distribution Cycle.</p> <p>FIG. 16 Illustrates Commercial Purchaser Internet Purchasing and Distribution Cycle</p> <p>FIG. 17 Illustrates How Mark-Up is Eliminated and Rebates Added.</p> <p>FIG. 18 Illustrates Over-The-Counter Purchasing and Rebates</p>
4	Purchaser On-Site components of the invention	N/A	<p>1.The Volume Purchasing Rebate Investing (VPRI) Module Assembly comprising:</p> <p>A. VPRI Computer Modules</p> <p>B. VPRI Meter Modules</p> <p>C. VPRI Monitoring Modules</p> <p>D. VPRI Control Modules</p> <p>E. VPRI Relay Modules</p> <p>F. Other VPRI Connectors & Parts</p> <p>2. Various VPRI Sensors</p> <p>3. On Site Computer</p> <p>4. Telephones (Wired & Wireless)</p>
5	Purchaser Off-Site components of the invention	<p>1. A Computer system with software</p> <p>2. A Station for Assembling Component:</p> <p>a. Display,</p> <p>b. Scanner,</p> <p>c. Printer,</p> <p>d. Interface,</p> <p>3. A station for shipping:</p> <p>a. Display,</p> <p>b. Scanner,</p> <p>c. Printer,</p> <p>d. Scales,</p>	<p>1. VPRI Database Software;</p> <p>2. VPRI Hub Servers (Area & Regional)</p> <p>3. Volume Purchasing Organization (Support Companies, Brokers or Agents)</p> <p>4. Internet</p> <p>5. Other Communications Means</p>

SUBJECT: Characterizing major differences in inventions and the novel, useful and non-obvious features of the Lewis Invention over the Mosher Invention

6	Special Features of Invention	N/A	<p>1. Remote Computer operation of VPRI Assembly to:</p> <ul style="list-style-type: none">a. Volume Purchase goods, products and services.b. Operate the VPRI Assembly.c. Operate and control devices in the building. <p>2. Wired Telephone operation of VPRI Assembly to:</p> <ul style="list-style-type: none">a. Volume Purchase goods, products and services.b. Operate the VPRI Assembly.c. Operate and control devices in the building. <p>3. Remote Wireless Telephone operation of VPRI Assembly to:</p> <ul style="list-style-type: none">a. Volume Purchase goods, products and services.b. Operate the VPRI Assembly.
---	-------------------------------	-----	---

SUBJECT: Characterizing the following major differences in the inventions and the novel, useful and non-obvious features of the Lewis Invention over the Ferguson Invention

		<u>The Ferguson Invention</u>	<u>The Lewis Invention</u>
1	Concept of the Invention	Seller- Centric concept designed to aid sellers in promoting and managing their Patronage Incentive Award Programs	Purchaser - Centric concept designed to aid purchasers in combining their purchases so as to obtain Volume Purchasing power and other benefits.
2	Claims	Ferguson claims a Patronage Incentive Award Program system as described in the following drawings and having the following components and features	The present invention claims a Real-Time Interactive ordering or re-ordering Volume Purchasing System as shown in the following drawings and having the following components and features
3	Drawings of Invention	One (1) Drawing comprising: Fig. 1 depicts a block diagram of a patronage incentive system	Eighteen(18) Drawings comprising: FIG. 1 Illustrates the modular structure of the Real-time interactive online product and services ordering and re-ordering system. FIG. 2 Illustrates Online Buyer's and Seller's (CyberSalesPerson) Sub-Systems. FIG. 3 Illustrates the Real-time interactive online Volume Purchasing Rebate Investing System. FIG. 4 Illustrates the Real-time interactive online product and services re-ordering modules. FIG. 5 Illustrates a systems diagram showing the Real-time interactive online product and services ordering re-ordering modules and VPRIS, which are located in Homes. FIG. 6 Illustrates a systems diagram showing the Merchant Real-time interactive online product and services ordering re-ordering modules and VPRIS, which are located in Commercial Buildings. FIG. 7 Illustrates a systems diagram showing the Real-time interactive online product and services ordering and re-ordering System and VPRIS.

SUBJECT: Characterizing major differences in the Lewis and non-obvious features of the Lewis
Invention over the Ferguson Invention

4			<p>FIG. 8 Illustrates our Real-time interactive online, over-the- counter purchasing systems network diagram.</p> <p>FIG. 9 Illustrates the WorldWholesaler Concept for Merchant Buyers.</p> <p>FIG. 10 Illustrates the WorldMall Concept for Individual Shoppers.</p> <p>FIG. 11 Illustrates a Top View of the CyberShowRoom Concept.</p> <p>FIG. 12 Illustrates an End View of the CyberShowRoom Concept.</p> <p>FIG. 13 Illustrates the Remote Operated Online Product Demonstration System (CyberShowCase) Concept Comprising.</p> <p>FIG. 14. Illustrates Normal Distribution and Mark-Up</p> <p>FIG. 15 Illustrates Individual Internet Purchasing and Distribution Cycle.</p> <p>FIG. 16 Illustrates Commercial Purchaser Internet Purchasing and Distribution Cycle</p> <p>FIG. 17 Illustrates How Mark-Up is Eliminated and Rebates Added.</p> <p>FIG. 18 Illustrates Over-The-Counter Purchasing and Rebates</p>
5	Sponsors	Sellers and other providers of goods and services.	The Purchasers, their Organization and Agents
6	Benefits of Invention	Seller - Centric benefits, helps Sellers save money while promoting and managing their Patronage Incentive Awards Programs Nominal funds for investing.	Purchaser - Centric benefits, helps Purchasers realize Volume Purchasing Power while making individual purchases. Greater funds for investing
7	On-Site components of the invention	<ol style="list-style-type: none"> 1. A Computer 2. Smart Cards 3. Software 	<ol style="list-style-type: none"> 1.The Volume Purchasing Rebate Investing (VPRI) Module Assembly comprising: <ol style="list-style-type: none"> A. VPRI Computer Modules B. VPRI Meter Modules C. VPRI Monitoring Modules D. VPRI Control Modules E. VPRI Relay Modules F. Other VPRI Connectors & Parts 2. Various VPRI Sensors 3. On Site Computer 4. Telephones (Wired & Wireless)

SUBJECT: Showing major differences in dimensions and the novel, useful and non-obvious features of the Lewis
Invention over the Ferguson Invention

8	Off-Site components of the invention	N/A	1. VPRI Database Software; 2. VPRI Hub Servers (Area & Regional) 3. Volume Purchasing Organization (Support Companies, Brokers or Agents) 4. Internet 5. Other Communications Means
9	Funding Sources (for Retirement Accts.)	Direct from Sellers Incentive Awards Pool	Direct from Purchasers Savings into the VPRI Invest. Acct.
10	Special Features of Invention	N/A	1. Remote Computer operation of VPRI Assembly to: a. Volume Purchase goods, products and services. b. Operate the VPRI Assembly. c. Operate and control devices in the building. 2. Wired Telephone operation of VPRI Assembly to: a. Volume Purchase goods, products and services. b. Operate the VPRI Assembly. c. Operate and control devices in the building. 3. Remote Wireless Telephone operation of VPRI Assembly to: a. Volume Purchase goods, products and services. b. Operate the VPRI Assembly.